

utility facility placed or installed in the utility easement or right-of-way;

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, nor any change of surface grade made, without prior approval of the above named utilities;

Fourth, that if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property that poles or other utilities are located pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Provided Further, that if any utility located or to be located in said property shall break or be damaged as a result of any action on the part of the petitioner or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and be it further

Provided, That by reason of the vacation of the above property, the City of Detroit does not waive any rights to the sewers located or to be located therein, and, at all times, shall the right to enter upon the premises, if found necessary to repair said sewers, alter, service or install same, and further

Provided, That no building shall be constructed over said sewers without the prior approval of such building construction by the Sewer Services Section of the Water and Sewerage Department and the Department of Buildings and Safety Engineering; and further

Provided, In the event that the sewer located or to be located in said property shall break, causing damage to any construction, property or materials above, the petitioners and their assigns, by acceptance of the permit for construction over said sewer, waive all claims for damages; and further

Provided, That if the sewer located or to be located in said property shall break or be damaged, as result of any action on the part of the petitioner, or assigns (by way of illustration but not limitation, such as storage of excessive weights of materials, or any construc-

tion not in accordance with Provision 2, mentioned above), then in such event, the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged sewer; and shall also be liable for all claims for damages resulting from his action; and be it further

Resolved, That the Buildings and Safety Engineering Department is hereby directed to issue permits for the construction of the truck-well mentioned in the above letter.

Adopted as follows:

Yeas — Council Members Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

Department of Public Works

January 31, 1983

Honorable City Council:

Re: Petition No. 1387. Holy Cross Hospital Request to install a directional sign which encroaches into City property at 4777 East Outer Drive.

The above petition was referred to this department for investigation and report. Our report is as follows:

The petitioner has requested permission to install a triangular directional sign which will encroach into a portion of City property which abuts the northerly right-of-way line of Outer Drive just west of Conner Avenue.

All involved City departments and private utility companies have no objection to the encroachment provided the resolution protects their facilities.

The Department of Public Works recommends approval of the request. An appropriate resolution is attached for consideration by your Honorable Body.

Respectfully submitted,
LOUIS W. KLEI
City Engineer

Approved:

JAMES W. WATTS
Director

By Council Member Peoples:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permits to Holy Cross Hospital to install an exterior directional sign at 4777 East Outer Drive in property described as:

"Part of the W. ½ of Section 3, T. 1 S., R. 12 E., City of Detroit, Wayne County, Michigan, described as follows: beginning at the intersection of the northerly line of Outer Drive, 150 feet wide, with the westerly line of Conner Avenue, 66 feet wide, thence northwesterly along the northerly line of Outer Drive on a curve to the left having a radius of 704.14 feet, a central angle of 29 deg. 31 min. 19 sec., a chord length of 358.82

feet and chord bearing of N. 79 deg. 49 min. 20 sec. W. a distance of 362.81 feet to a point, said point being the point of tangent of the curve in the northerly line of Outer Drive; thence N. 85 deg. 25 min. E. on a projection of the tangent northerly line of Outer Drive 309.07 feet to a point in the westerly line of Conner Avenue; thence along the westerly line of Conner Avenue, S. 27 deg. 06 min. E., 98.96 feet to the point of beginning,

Encroachment to consist of a triangular sign to encroach at ground level approximately 4 feet south of the petitioner's south property line into the above described property. The sign is to be of a design which meets City standards and specifications;

Provided, that said permit shall be issued only after a certified copy of this resolution has been duly recorded by and at the petitioner's expense in the Office of the Register of Deeds for Wayne County; and further

Provided, That no right in the public right-of-way shall be considered waived by this permission which is granted expressly on the condition that all obstruction in connection therewith shall be removed at the expense of the grantee at any time when so directed by the City Council; and further

Provided, If at any time in the future it becomes necessary to repair utilities located or to be located in said right-of-way by the acceptance of this permission, the owners for themselves, their heirs and assigns, waive claims for any damages to the encroaching installations and agree to pay the costs incurred in their removal, if their removal becomes necessary, and to restore the property affected to a condition satisfactory to the Department of Public Works at the owners' expense; and further

Provided, That this resolution is revocable at the will, whim, or caprice of the City Council, and the grantees by the acceptance of this permission waive any right to claim damages or compensation for any driveways or structures constructed and maintained hereunder, or for removal of the same, and they acquire no implied nor any other privileges not expressly stated herein, and further

Provided, That the petitioner files with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims which may arise therefrom.

Adopted as follows:

Yeas — Council Members Eberhard, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 6.

Nays — None.

Department of Transportation

January 4, 1983

Honorable City Council:

Re: Federal-Aid Urban Highway Program Modernization of Traffic Signals on Jefferson Avenue (US-10) at Woodward, Griswold, and Randolph, Urban Project M-2000 (120), (121), (122).

The Michigan Department of Transportation and the City of Detroit have jointly proposed a project which provides for the modernization of traffic signals on Jefferson Avenue (US-10) at Woodward, Griswold, and Randolph. This project will provide for smoother traffic flow and reduced motor vehicle emissions.

The total estimated cost of preparing contract documents for this project is \$30,000 to be funded as follows:

Federal-aid (75%)	\$22,500
State's Share	4,400
City's Share	3,100
	\$30,000

The City's and State's share in the 25% non-Federal share of the total estimated cost is based on State and City traffic signal policy and relates to the City's policy for installations in the downtown area.

Most of the design work will be performed by a consultant hired by the City for which we will receive Federal and State reimbursement. The remaining \$3,100 for this work will be provided by available balances in the Major Street Fund, Appropriation 4189.

So that we may proceed with the design of this signal modernization project for the safety of the motoring public and pedestrians, we recommend the adoption of the attached resolution, which authorizes the Finance Director to set-up the project appropriations with the Federal and State share of the work and transfer an amount of \$3,100 from the Major Street Fund for the total estimated City share of the preliminary engineering project cost.

Respectfully submitted,
JOHN F. POTTS
Director

Approved:
JAMES W. WATTS
Street Administrator

Approved:
W. I. STECHER
Budget Director
JOHN P. KANTERS
Deputy Finance Director

By Council Member Mahaffey:
Resolved, That, the Finance Director